

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6788

BILL NUMBER: HB 1691

NOTE PREPARED: Dec 15, 2004

BILL AMENDED:

SUBJECT: Sexual Misconduct with a Minor.

FIRST AUTHOR: Rep. Turner

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill changes the offense of sexual misconduct with a minor to: (1) cover victims who are at least 14 years of age but less than 18 years of age (current law applies to victims at least 14 years of age but less than 16 years of age); and (2) remove the minimum age requirement for alleged offenders (current law applies only to alleged offenders who are at least 18 years of age).

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under current law sexual misconduct with a minor is a Class C felony or a Class D felony, but may be enhanced to a Class B or Class A felony under certain circumstances. There are no data to indicate how many more people may be convicted of these Class D, Class C, Class B, and Class A felonies if the age of the minor victim is increased to 18 years of age and the age of the offender is no longer specified.

The sentence range for each crime class and the average length of stay for all offenders serving under a particular crime class are in the following table.

	Sentence Range	Average Term Served*
Class D	6 months to 3 years, or reduction to a Class A misdemeanor	10 months
Class C	2 to 8 years	2.0 years
Class B	6 to 20 years	3.7 years
Class A	20 to 50 years	9.1 years
*Represents the average for all offenders of the same class.		

The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$59,574, with the costs ranging from a low of \$52,420 to a high of \$77,674.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for all class felonies is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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